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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,449	03/09/2001	Peter W. Johnson	PJ0101US	7014
22849	7590	12/12/2003	EXAMINER	
SCOTT W HEWETT 400 WEST THIRD STREET #223 SANTA ROSA, CA 95401			LIU, MING HUN	
			ART UNIT	PAPER NUMBER
			2675	

DATE MAILED: 12/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/802,449

Applicant(s)

JOHNSON, PETER W.8

Examiner

Ming-Hun Liu

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 4 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The amendments concerning the claims and drawings have been acknowledged and will be entered.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of UN Patent 6,417,842 to Shattuck and US Patent 6,469,693 to Chiang et al.

In reference to claim 1, Shattuck describes a button assembly that resembles the invention outlined in the claim. As established in previous office actions and applicant responses, it is agreed that most mouse button assembly has a first cantilevered beam that is flexibly attached to the housing about a first fulcrum. Chiang's figure 7 shows a button assembly that is well known in the art, with the mouse button 20 attached to the housing at fulcrum 30, similarly button 22 at fulcrum 32. Therefore it is well established that a mouse button with a first cantilever beam, with one end connected to the housing is a practice that is well known in the art. Naturally, these button assemblies lack the second cantilever beam as claimed by the applicant.

Shattuck teaches the addition of a second cantilever beam that is attached to an existing button assembly such as the one displayed in Chiang. The addition of Shattuck's invention resembles the claimed invention.

As seen in figure 9, the second cantilever beam (items 340 and 370) that is flexibly attached to the first cantilever beam (button 20 in Shattuck), through a second fulcrum (items 350 and 360).

As described in Shattuck's specifications, the motivation for combining his invention with the standard mouse is clear, to promote more comfortable button pressing options for users.

In reference to claim 2, as seen from figure 2 and the description on column 11, lines 2-8, the trigger arm is placed in a "swivel socket" or attached by a "hinge" both are fulcrums with flexible attachments.

In reference to claims 5, 9 and 21, in addition to the rejection outlined in the rejection of claim 1, it can be seen from figure 3 of Shattuck the arm can be orientated "backwards" so that the pressure point of the lever is closer to the distal end than the palm end. And as established before by Shattuck, the lever can be flexibly hinged as shown in figure 9.

In reference to claims 6 and 10, Shattuck explains on column 6, lines 20-34 that the position of the lever is very important as it dictates the amount of force required to activate the button. Specifically more force is required when the lever is placed away from the distal end (column 6, lines 30-32).

Claims 7, 8, 11-14, 17 and 18 are rejected because there is no disclosed criticality in the specifications as to why these specified numbers must be used in the mouse button assembly. As

already demonstrated by Shattuck, engineers familiar to the art understand the leverage principle. With that understanding, the specific numbers presented are merely design specifications that can be easily modified by one skilled in the art. The applicant has not demonstrated why a mouse must be limited to the stated values claimed.

Claims 15, 19 and 20 are rejected on grounds presented for the rejection of claims 5 and 9 with the additional disclosure on column 5, lines 7-11, about a nub extending towards the switch and activating it when sufficient force is applied.

***Allowable Subject Matter***

4. Claims 3, 4 and 16 are allowed.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-2, 5-15 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,580,419 to O'Keeffe et al: Button assembly with two beam attachment.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ming-Hun Liu whose telephone number is 703-305-8488. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras can be reached on 703-305-9720. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Ming-Hun Liu

A handwritten signature in black ink, appearing to read 'Steven Saras', is positioned above the printed name and title.

STEVEN SARAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600